

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

THE UNITED STATES OF AMERICA,

Plaintiff/Counter Defendant,

vs.

**GENERAL DYNAMICS CORPORATION,
and DOW CHEMICAL COMPANY,**

Defendants/Counter Claimants.

8:23CV416

**AMENDED CASE
PROGRESSION ORDER**

This matter is before the Court following a telephone conference held with counsel for the parties on December 5, 2024, and the Joint Motion to Extend Case Deadlines ([Filing No. 227](#)). After review of the motion and in accordance with the matters discussed during the telephone conference, the Court finds good cause to grant the requested extensions.

IT IS ORDERED that the Joint Motion to Extend Case Deadlines ([Filing No. 227](#)) is granted, and the case progression order is amended as follows:

- 1) All responses to written discovery are due **December 23, 2024** (current deadline), unless the parties reach agreement otherwise.
- 2) All non-classified documents are to be produced by **February 24, 2025**. Completed privilege logs corresponding to document productions made prior to December 6, 2024, were due December 6; completed privilege logs corresponding to productions made after December 6, 2024, are due no later than **February 7, 2025**.
- 3) The parties shall provide joint status reports regarding the production of classified documents on or before **January 17, 2025**, and **February 28, 2025**. These status reports must detail the parties' progress and efforts made towards the production of currently classified, responsive documents, and provide an anticipated date of completion.
- 4) A status conference to discuss case progression and the status of discovery is set for **March 3, 2025, at 10:00 AM** by telephone before Magistrate Judge Michael D. Nelson. Counsel shall use the conference instructions at [Filing No. 203](#) to participate in the call.
- 5) The preliminary deadline to complete production of currently classified documents is **March 10, 2025**. In the event that Plaintiff believes it will be unable to meet the March 10, 2025, preliminary deadline for the production of currently classified documents, the parties shall meet and confer and shall apprise the Court of any agreement(s) reached or any continuing dispute regarding the production of currently classified documents.

- 6) The parties agree that Defendants will be permitted to seek follow-up discovery related to the production of currently classified documents, and may request the reopening of depositions, but any such discovery must be limited to the scope of any currently classified documents produced after February 24, 2025. Subject to the parties' agreement, Plaintiff reserves the right to object to any requested discovery, including any objection that such discovery, including any request for reopening a deposition, is inconsistent with the Federal Rules of Civil Procedure or is not of a type contemplated by the parties' agreement.
- 7) Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **March 10, 2025**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 8) The fact deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **March 31, 2025**.

Note: The United States is allotted 30 depositions, and an additional 15 depositions that may be used solely to depose its own current or former employees whose testimony is at risk of being lost due to age or infirmity (i.e., "preservation depositions"). The Defendants/Counterclaimants are allotted 30 depositions collectively, and an additional 15 "preservation depositions" collectively. At least twenty-one (21) days prior to a scheduled "preservation deposition," the noticing party must provide to the other parties the following information about the relevance of the witness's testimony: 1. Name; 2. Years of relevant work experience; 3. Employer and job title during that time; and 4. Brief description of duties during that time.

- 9) Experts:
 - a. The deadlines for identifying expert witnesses and completing expert disclosures for all experts expected to testify at trial, both retained experts, [Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#), and non-retained experts, [Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#), are:

The parties:	April 24, 2025
Rebuttal:	June 23, 2025
Sur-rebuttal:	August 4, 2025
 - b. The expert deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **September 18, 2025**.
 - c. The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **October 18, 2025**.

- 10) The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with Magistrate Judge Michael D. Nelson on **September 24, 2025**, at **10:00 AM** by telephone. Counsel shall use the conference instructions at [Filing No. 203](#) to participate in the call.
- 11) The deadline for filing motions to dismiss and motions for summary judgment is **November 10, 2025**.
- 12) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 13) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 12th day of December, 2024.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge